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OFFICE OF THE SECRETARY OF DEFENSE
OFFICE OF MILITARY COMMISSIONS
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

CONVENING AUTHORITY

May 9, 2008

MEMORANDUM FOR Defense Counsel in the following cases:

United States v. Khalid Sheikh Mohammed
United States v. Walid Muhammad Salih Bin Attash
United States v. Ramzi Binalshibh
United States v. Ali Abdul Aziz Ali
United States v. Mustafa Ahmed Adam al Hawsawi
United States v. Mohamed al Kahtani

SUBJECT: Declaration of Knowledge of Victims of 9/11

As the Convening Authority in the above named cases, I want to inform the defense counsel that I knew or was acquainted with the following individuals listed on the charge sheets as victims of 9/11 incidents:

1. [REDACTED] (known to me as [REDACTED]), and I attended [REDACTED] at the same time from the fall of 1965 to the spring of 1968. Upon [REDACTED] in 1969, I moved to the Philadelphia, PA area where I was a history teacher and coach in the Radnor Township School system. During approximately 1972 and 1973 I had occasion to see [REDACTED] in the Philadelphia area two or three times while at events with other [REDACTED]. I had no contact with [REDACTED] after 1973.
2. [REDACTED] During the mid to late 1990's, I had professional contact with [REDACTED] while I was serving as a judge on the United States Court of Appeals for the Armed Forces. [REDACTED] argued several cases before the Court. I had no contact with [REDACTED] outside of my professional responsibilities at the Court. [REDACTED]
3. [REDACTED] From September 1981 to November 1989, I had professional contact with [REDACTED] while I was serving as the Principal Deputy General Counsel (1981-1983) and General Counsel (1983-1989) of the Department of the Army. [REDACTED]
[REDACTED] On occasion, the office would attend a social event such as a holiday or

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farewell lunch. I had no social contact with (b)(6) (b)(7)(C) outside of office activities, and had no professional or social contact with [redacted] after I left the Office of the Army General Counsel in 1989.

4. [redacted] During the mid-1980's, I had professional contact with [redacted] who worked for the [redacted] (b)(6) (b)(7)(C) [redacted] I had no other contact with [redacted]

I understand that as the Convening Authority I must be impartial and should disqualify myself if I have other than an official interest in the case. The test for disqualification under the UCMJ is whether "a reasonable person could impute to the convening authority a personal interest or feeling in the outcome of the litigation." United States v. Jeter, 35 M.J. 442 (C.M.A. 1992). Likewise, I believe that standard is the appropriate standard to apply to the Convening Authority for the Military Commissions. I have considered my situation, the facts as I know them, and my association with the above-named individuals. I am certain that my knowledge of those individuals and my association with them did not in any way influence my decisions in taking action on the above named cases. However, out of an abundance of caution I believe it is my professional responsibility to disclose this information to defense counsel for the accused and to make this disclosure a part of the referral documents.

Susan J. Crawford

Susan J. Crawford
Convening Authority
for Military Commissions

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